

# **CONSERVATION COMMISSION**

## **MINUTES (Approved 5/28/08)**

**MAY 14, 2008**

Present: J. Wiley, Chairman  
B. Dyer, R. Jones, R. Turner, K. Phelps

Absent: A. Goetz

Also Present: L. Hershey, Conservation Agent  
P. Smith, Board Secretary

### **Conservation Agent report given to members**

#### **MEETING OPENED: 7:10**

Mr. Steve Barrows, owner of 189 Union St. came in to discuss some violations that have occurred on his property. A neighbor notified Ms. Hershey that some clearing of vegetation happened and Ms. Hershey made a site visit and spoke with Mr. Barrows. He stated he was unaware that the commission should have been notified and is willing to comply with whatever the board wants to rectify the matter Mr. Barrows had removed some plantings and stated he is willing to replant and remedy what has been done. The commission discussed sending a list of suggested plantings and will issue a Friendly Enforcement Order to Mr. Barrows.

**Ms. Phelps made the motion to issue a Friendly Enforcement order to the owner of 189 Union St.**

**Mr. Jones seconded the motion**

**Vote: 4-0-0**

#### **EXTENSIONS**

##### **WALPOLE COUNTRY CLUB**

**DEP#315-839**

**Ms. Phelps made the motion to approve and issue a one-year extension**

**Ms. Dyer seconded the motion**

**Vote: 4-0-0**

##### **DELA POND VILLAGE**

**DEP# 315-628**

**Ms. Phelps made the motion to approve and issue a one-year extension**  
**Ms. Dyer seconded the motion**  
**Vote: 4-0-0**

#### **CERTIFICATE OF COMPLIANCE**

**BERKELY DR. #8**  
**DEP# 315-833**

**Ms. Phelps made the motion to approve and issue a Certificate of Compliance**  
**Ms. Dyer seconded the motion**  
**Vote: 4-0-0**

#### **ENFORCEMENT ORDER**

**161 WASHINGTON ST**

The commission discussed on-going enforcement issues at 161 Washington St.

**Ms. Phelps made the motion to ratify the Enforcement Order**  
**Mr. Jones seconded the motion**  
**Vote: 4-0-0**

#### **EXTENSION**

**NEPONSET ST. #100**  
**DEP# 315-848**

**Ms. Phelps made the motion to issue and approve a one-year extension**  
**Ms. Dyer seconded the motion**  
**Vote: 4-0-0**

**NEPONSET ST. #100**  
**DEP# 315-822**

#### **EXTENSION FOR ORDER OF RESOURCE AREA DELINEATION**

**Ms. Phelps made the motion to approve and issue a one-year extension**  
**Mr. Jones seconded the motion**  
**Vote: 4-0-0**

**MINUTES**  
**APRIL 23, 2008**

**Ms. Dyer made the motion to approve and accept the minutes for April 23, 2008**  
**Mr. Wiley seconded the motion**  
**Vote: 2-0-2**

**CONT. PUBLIC HEARING**  
**INDUSTRIAL RD. #3**  
**NOTICE OF INTENT**  
**DEP #315-922**

**Opened: 7:30**

Mr. Wiley read the advertisement from the Walpole times for the continued Public Hearing at 3 Industrial Rd.

Mr. Wiley read the latest comment received from the Division of Fisheries and Wildlife into the record

Mr. Rick Merrikin, Merrikin Engineering was present representing Mr. Duggan the applicant. He stated a site visit was completed with the conservation Agent last week and suggestions were made. Mr. Merrikin stated a Botanist would supervise the replacement of 6-9 inches of fill with organic materials. Silt fencing will be placed along the wetland side where work will commence. Mr. Merrikin stated an updated written letter showing a replication plan has been submitted to the commission. He also stated the applicant would like to put in a chain link fence.

Mr. Merrikin told the commission they haven't gotten anywhere with the Town about the possibility of purchasing the land as of yet. He states they will pursue this.

Ms. Hershey stated her main concern was the area that is planned to be restored was prepped correctly.

Ms. Phelps requested the name of the erosion control vender if a sock will be used.

**Ms. Dyer made the motion to close the Public Hearing**  
**Mr. Jones seconded the motion**  
**Vote: 4-0-0**  
**Closed: 7:35**

The commission discussed special conditions

The commission discussed the applicant shall provide documentation of approval from the Town if a fence is to be put in on Town Land. No alteration signs as directed by the Agent need to be maintained in perpetuity. The name and phone number of the erosion control vender shall be given to the commission prior to installation. A wetland specialist or botanist shall be present while fill is excavated. And at least 75% of the surface area shall be established with wetland species after two years.

**Ms. Phelps made the motion to approve and issue an Order of Conditions**

**Mr. Jones seconded the motion**

**Vote: 4-0-0**

**General Business was discussed**

**ENFORCEMENT ORDER**

**102 NORFOLK ST**

The commission discussed complaints from Mr. Leroy Jones and his brother Ken Jones regarding on-going issues with neighbors dumping yard waste and other materials on his property at 102 Norfolk St.

Ms. Hershey has done a site visit and spoken with the resident as well as neighbors regarding the dumping into the wetlands. The commission discussed that the office should send out letter of enforcement to the three neighbors involved as well as Mr. Jones regarding this matter stating the required actions. The commission would like a written narrative no later than 6/5/08 describing how the debris will be removed with permission of the owner. This will be discussed at the June 11<sup>th</sup> meeting.

**CONT. PUBLIC HEARING**

**NOTICE OF INTENT**

**NEPONSET ST. #100**

**DEP# 315-924**

**Opened: 8:10**

Mr. Wiley read the advertisement from the Walpole Times for the Continued Public Hearing for remediation and capping of the demolition debris area at 100 Neponset St., the former Bird Machine Company property.

Mr. Wiley read new board comments and comment from Fisheries and Wildlife

Stacey Minihane of Beals and Thomas and Arthur Cunningham of Weston Solutions were present representing the applicant Baker Process, Inc.

Mr. Cunningham stated to the board that he has concerns about continuing this Public Hearing, as three of the board members were not present.

Mr. Wiley stated that Mr. DiVirgilio's term recently expired and he is no longer on the board.

The representatives and commission discussed receiving comments from the Board of Health and Sewer and Water on the recent updates and revisions that were submitted to them

**Ms. Phelps made the motion to continue the Public Hearing until July 9, 2008 at 7:30**

**Ms. Dyer seconded the motion**

**Vote: 4-0-0**

**PUBLIC HEARING  
NEPONSET ST. #100  
DEP 315-848  
AMENDMENT**

**Opened: 8:30**

Mr. Wiley read the advertisement from the Walpole Times for a Public Hearing for a proposed amendment to the existing Order of Conditions for 100 Neponset St. Green cards were collected.

Mr. Jones recused himself from the hearing but will sit for quorum purposes

Mr. Wiley read board comment from the Town Engineer

Ms. Stacy Minihane of Beals and Thomas and Arthur Cunningham of Weston Solutions were present representing the applicant Baker Process, Inc.

Ms. Minihane presented plans to the commission and reviewed the remedial work that has been done on the site to present. She stated this Order of Conditions was issued in April of 2005, and it has been determined additional work is necessary to address conditions at the site. This is the purpose for the request for an amendment as presented.

Ms. Minihane states additional work proposed includes the installation of three monitoring wells on the property. These wells are proposed in response to concerns regarding groundwater quality. Ms. Minihane discussed preferred access to these wells is on Washington St due to the amount of trees which would need to be removed if the access were on Neponset St. instead. She also stated the work would be completed during the dry season, preferably summer. Ms. Minihane stated the wells would monitor the success of the remediation.

Mr. Cunningham stated the wells are within the upland area adjacent to the Neponset River and he expects the wells to be clean. He stated if additional investigation needs to occur they will come back before the board. Contaminated water would be taken off-site; otherwise the water will be put back into the ground.

Ms. Hershey agreed with the access route because fewer trees would need to be removed.

**Ms. Phelps made the motion to close the Public Hearing**

**Ms. Dyer seconded the motion**

**Vote: 3-0-1 (Mr. Jones abstained)**  
**Closed: 8:55**

The commission discussed the access route and stated flags need to be hung and an apron to prevent the tracking in and out of mud and debris should be in place at the access area. Washington St. needs to be swept and kept clean.

**Ms. Phelps made the motion to approve and issue an amendment to the Order of Conditions**

**Ms. Dyer seconded the motion**

**Vote: 3-0-1 (Mr. Jones seconded the motion)**

**CONT. PUBLIC HEARING**  
**NOTICE OF INTENT**  
**WASHINGTON ST. LOT 2**  
**DEP# 315-923**

**Opened: 9:00**

Mr. Wiley read the advertisement from the Walpole Times

Mr. Wiley read into the record a request from Mr. John Glossa, of Glossa Engineering for a continuance of this Public Hearing until May 28, 2008

**Ms. Phelps made the motion to continue the Public Hearing until May 28, 2008 at 8:00**

**Ms. Dyer seconded the motion**

**Vote: 4-0-0**

**CONT. PUBLIC HEARING**  
**NORFOLK ST. #252**  
**NOTICE OF INTENT**  
**DEP #315-925**

**Opened: 9:02**

Mr. Wiley read the advertisement from the Walpole Times for the continued Public Hearing on 252 Norfolk St.

Mr. Wiley read new Board Comments received in the office

Applicant, Mr. Stevan Gold was present to discuss revised plans that were submitted for the commissions review.

Mr. Wiley read a letter into the record that was submitted by Mr. Glossa with results of soil analysis as requested by the commission. In his letter Mr. Glossa states the analysis justifies the assumption in the drain calculations that the infiltration basin will drain in less than 72 hours for all design storms

Ms. Hershey stated that the comments and concerns of the board based on the last hearing have been addressed. The proposed fence and no-alteration plaques are on the plan and the stockpile material and storage bin location has been put on the plan. The dumpster location has been moved as well.

**Ms. Phelps made the motion to close the Public Hearing**

**Ms. Dyer seconded the motion**

**Vote: 4-0-0**

The commission discussed special conditions

A registered engineer or land surveyor shall witness the installation of the infiltration system and stormceptor. The no-alteration plaques shall be maintained as agreed by the applicant and owner. Any variation to the change in location of storage or materials will need to be approved by the conservation agent

**Ms. Phelps made the motion to approve and issue an Order of Conditions**

**Ms. Dyer seconded the motion**

**Vote: 4-0-0**

## **ENFORCEMENT ORDER**

### **102 NORFOLK ST. CONTINUED**

Mr. Leroy Jones and his brother Ken Jones came in to discuss further the enforcement issue that the commission discussed earlier in the evening. The commission discussed they have the authority to collect up to \$300 a day in fines per violation. It was explained to the Jones's that enforcement orders would be sent to the appropriate parties

**Ms. Dyer made the motion to issue Enforcement Orders to the owners of 102**

**Norfolk St. and to the neighbors involved**

**Ms. Phelps seconded the motion**

**Vote: 3-0-1 (Mr. Jones abstained)**

## **BOARD COMMENTS**

Planning Board is requesting comments regarding the Scenic Road Public Hearing at 160 Pine St. where they are proposing the cutting or removal of trees. The commission discussed their suggestion for either replacing or replanting in the area

**The following correspondence was available for review and discussed by the commission:**

- Providence. Highway #980
- Lycott Environmental – swan pond treatment 315-242
- Baker St. #156
- GES Environmental sampling – 750 Main St.
- TEC Assoc. – Mass Bay Comm. Railroad 2008 Report

**MEETING CLOSED: 10:00**